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Attorneys for Defendants Transglobal, Prescott, Raschke, Dyakon and Becker

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BETTA PRODUCTS, INC.,

Plaintiff,

vs.

TRANSGLOBAL COMMUNICATIONS, et  
al.,

Defendants.

CASE NO. CV05-2273-CRB

**STIPULATION TO LIMIT DISCOVERY;  
~~PROPOSED ORDER~~**

WHEREAS, this action was filed by Betta Products, Inc. ("Plaintiff") against Transglobal Communications, Steve Prescott, Andrew Dyakon, Robert Raschke, Ralph Becker, and Timothy Quinn (collectively "Defendants").

WHEREAS, Plaintiff's third amended complaint asserts the following claims against Defendants: misappropriation of trade secrets under the California Uniform Trade Secrets Act (first claim), breach of fiduciary duty (second claim), unfair competition under California *Business & Professions Code* §17200 (third claim), slander (fourth claim), interference with prospective economic advantage (fifth claim), fraudulent conveyance under 11 *U.S.C.* §548 (sixth claim), a post petition fraudulent conveyance under 11 *U.S.C.* §549 (seventh claim), avoidance of fraudulent transfers under 11 *U.S.C.* §544 and *California Civil Code* §3439.04 (eighth claim) and

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Case No. CV-05-2273-CRB  
Stipulation To Limit Discovery; Order

1 recovery of avoidable transfer under 11 *U.S.C.* §550 and *California Civil Code* §3439.08 (ninth  
2 claim) and each of these claims presents numerous factual and legal issues.

3 WHEREAS, determination of whether Plaintiff has any protectible trade secrets is an  
4 element of Plaintiff's misappropriation of trade secret claim and except for Plaintiff's slander  
5 claim, all of Plaintiff's claims depend, in part, on Plaintiff's first claim for misappropriation of  
6 trade secrets;

7 WHEREAS, counsel for Plaintiff and Defendants believe that this stipulation will  
8 substantially aid in resolution of this matter and it has the real potential for a considerable saving  
9 of resources of the parties and the Court;

10 WHEREAS, it is the intention of counsel to bring cross-motions for summary adjudication  
11 on the issue of whether Betta has any trade secrets and the slander issue after conducting discovery  
12 thereon as set forth herein.

13 WHEREFORE, IT IS STIPULATED AND AGREED that:

14 1. Until August 15, 2006, discovery in this matter conducted pursuant to *F.R.Civ.P.*  
15 26-37 and 45 or under any discovery treaty, including discovery directed to non-parties, is limited  
16 to the following: (1) what are Betta's alleged trade secrets and are they trade secrets within the  
17 meaning of the California Uniform Trade Secrets Act; (2) the slander claim including any  
18 affirmative defenses thereto. Discovery on all other issues is stayed for the time period set forth  
19 herein or until earlier permitted by the Court.

20 2. Nothing set forth herein bars the parties from engaging in discovery on other issues  
21 if mutually agreed;

22 3. Nothing set forth herein bars the parties from engaging in investigation, trial  
23 preparation or evidence gathering on any issue in this action by means other than discovery under  
24 *F.R.Civ.P.* 26-37 and 45 or under any discovery treaty.

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1           4.       Nothing set forth herein relieves any of the parties from their disclosure  
2 requirements under *F.R.Civ.P* 26 or from any other discovery obligation related to discovery  
3 conducted as permitted hereunder.

4           5.       This stipulation may be executed in counterparts, each of which taken together  
5 constitutes the original.

6  
7 DATED: February 9, 2006

BRINKMAN PORTILLO, PC

8  
9  
10 By: 

Laura Portillo

11 Special Counsel to Plaintiffs, Betta Products, Inc.  
12 and Dana McCurnin, the Trustee of the  
Betta Products Litigation Trust

13 DATED: February \_\_\_, 2006

VAN ETEN, SUZUMOTO & BECKETT, LLP

14  
15 By: \_\_\_\_\_

Leslie Werlin

16 Counsel for Defendants, Transglobal  
17 Communications, Andrew Dyakon, Robert  
18 Raschke, Ralph Becker and Steve Prescott

19 DATED: February \_\_\_, 2006

20 HOWARD, RICE, NEMEROVSKI, CANADY,  
21 FALK & RABKIN

22 By: \_\_\_\_\_

John O'Conner

23 Counsel for Defendant Timothy Quinn  
24  
25  
26  
27  
28

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7 DATED: February \_\_\_, 2006

BRINKMAN PORTILLO, PC

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9 By: \_\_\_\_\_

10           Laura Portillo  
11           Special Counsel to Plaintiffs, Betta Products, Inc.  
12           and Dana McCurnin, the Trustee of the  
13           Betta Products Litigation Trust

14  
15 DATED: February 10, 2006

16 VAN ETTEN, SUZUMOTO & BECKETT, LLP

17 By: \_\_\_\_\_

18           Leslie Werlin  
19           Counsel for Defendants, Transglobal  
20           Communications, Andrew Dyakon, Robert  
21           Raschke, Ralph Becker and Steve Prescott

22  
23 DATED: February \_\_\_, 2006

24 HOWARD, RICE, NEMEROVSKI, CANADY,  
25 FALK & RABKIN

26 By: \_\_\_\_\_

27           John O'Conner  
28           Counsel for Defendant Timothy Quinn

1 4. Nothing set forth herein relieves any of the parties from their disclosure  
2 requirements under *F.R.Civ.P* 26 or from any other discovery obligation related to discovery  
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4 5. This stipulation may be executed in counterparts, each of which taken together  
5 constitutes the original.  
6

7 DATED: February \_\_, 2006

BRINKMAN PORTILLO, PC

8  
9 By: \_\_\_\_\_  
10 Laura Portillo

11 Special Counsel to Plaintiffs, Beta Products, Inc.  
12 and Dana McCurnin, the Trustee of the  
Beta Products Litigation Trust

13 DATED: February \_\_, 2006

VAN ETEN, SUZUMOTO & BECKETT, LLP

14  
15 By: \_\_\_\_\_  
16 Leslie Werlin

17 Counsel for Defendants, Transglobal  
18 Communications, Andrew Dyakon, Robert  
Raschke, Ralph Becker and Steve Prescott

19 DATED: February 06, 2006

20 HOWARD, RICE, NEMEROVSKI, CANADY,  
21 FALK & RABKIN

22 By: \_\_\_\_\_  
23 John O'Connor

24 Counsel for Defendant Timothy Quinn  
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~~[PROPOSED]~~ ORDER

IT IS SO ORDERED that the terms of the Stipulation set forth above are adopted as the terms of this Order.

DATED: February 15, 2006

United States District Court Judge

